

REMARKS

Claims 1-68 were previously pending in the application. Applicant respectfully requests reconsideration of the instant application in view of the preceding amendments and/or the following remarks. By this Amendment/Response, claims 1-67 have been canceled without prejudice or disclaimer, and claim 68 has been amended to correct a minor typographical informality. Applicant submits that support for the amendment may be found throughout the originally filed specification, drawings and claims, and that no new matter has been added by way of this Amendment/Response. Applicant maintains that the original and canceled claims are in condition for allowance and explicitly reserves the right to add/pursue the claims at a later time and/or in one or more continuation and/or divisional applications. Claim 68 is currently pending.

Allowance of Claim 68

Applicant thanks the Examiner for the indication that claim 68 is allowed (December 11, 2009 Office Action, p. 63, ¶ 2). Applicant believes that the cancellation of claims 1-67, without prejudice or disclaimer, places the instant application in condition for allowance.

By the instant Amendment/Response, Applicant has amended claim 68 to correct a minor typographical informality. Amended claim 68 recites, *inter alia*,

A travel product sale offering processor-implemented method for offering a travel product for sale, comprising:

...

determining by the processor a preferred itinerary load factor discrepancy ... wherein determining an itinerary load factor discrepancy comprises:

...

computing by the processor the itinerary load factor discrepancy as the difference between the optimal load factor and the projected load factor;

...

By way of example only, Applicant directs the Examiner's attention to the claim itself, which recites "determining ... a preferred itinerary load factor discrepancy" and to p. 8, lines 10-11 of the originally filed specification as providing support for the instant amendment, which effectively amounts to a correction of antecedent basis. Applicant submits that additional support may be found elsewhere and throughout the originally filed specification, drawings and claims, and that no new matter has been added by way of this Amendment/Response. Applicant respectfully requests entry of the instant amendment to claim 68, submits that the instant amendment is solely to correct a minor typographical informality that in no way affects the Examiner's reasons for allowance, and submits that the instant application remains in condition for allowance.

Comments on Statement of Reasons for Allowance

By the December 11, 2009 Office Action, the Examiner has acknowledged that,

[G]iven the existence of claim elements not in the relevant prior art of record ..., and the number of disparate prior art references that would be required to assemble a method resembling that recited in claim 68, without clear motivations given in the prior art references or the knowledge generally available to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to assemble the teachings of the various references into

the detailed method of claim 68, the claim as a whole is non-obvious.

(December 11, 2009 Office Action. p. 66, ¶ 1)

Applicant submits that there exist other reasons for allowance as well, and that claim 68 includes a variety of elements and features that are not discussed or rendered obvious by the applied art.

CONCLUSION

Applicant asserts that the above remarks, which distinguish the claims over the cited reference(s), pertained only to noted claim element portions. These remarks are believed to be sufficient to overcome the prior art to this Office Action (and/or any previous office action(s)) (hereinafter “Office Action(s)”). While many other claim elements and/or bases for rejection were not discussed, as they have been rendered moot based on the above amendments and/or remarks, Applicant asserts that all such remaining and not discussed claim elements and/or bases for rejection, all, also are distinguished over the prior art, and Applicant reserves the opportunity to more particularly traverse, remark and/or distinguish over any such remaining claim elements and/or bases for rejection at a later time, should it become necessary.

Further, any remarks that were made in response to the Office Action(s)’ objection and/or rejection as to any one claim element, and which may have been re-asserted as applying to other Office Action(s) objection(s) and/or rejection(s) as to any other claim element(s), any such re-assertion(s) of remarks are not meant to imply that there is commonality about the structure, functionality, means, operation, and/or scope of any of the

claim element(s), and no such commonality is admitted as a consequence of any such re-assertion(s) of remarks.

Consequently, the reference(s) cited the Office Action(s) do not result in the claimed invention(s), there was/is no motivation, basis and/or rationale for such a combination of references (i.e., cited references do not teach, read on, suggest, or result in the claimed invention(s)), and the claimed invention(s) are not admitted to be prior art. Also, Applicant does not accept, admit, and/or concede to any Official Notice that has been taken and/or (mis)characterizations of claims made in the Office Action(s). As such, Applicant does not concede that any claim element(s) have been anticipated and/or rendered obvious by any of the cited reference(s) and/or any Official Notice in the Office Action(s).

Thus, the Applicant respectfully submits that the supporting remarks and claimed inventions, claims 68, all: overcome all rejections and/or objections as noted in the Office Action(s), are patentable over and discriminated from the cited reference(s), and are in a condition for allowance. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection(s) and/or objection(s), and allowance of all claims.

Authorization

Applicant hereby authorizes and requests that the Commissioner charge any additional fees that may be required for consideration of this and/or any accompanying and/or necessary papers to Deposit Account No. 03-1240, Order No. 17200-079US1. In the event that an extension of time is required (or which may be required in addition to that requested in a petition for an extension of time), Applicant requests that the Commissioner grant a petition for an extension of time required to make this response timely, and, Applicant hereby authorizes and requests that the Commissioner charge any fee or credit any overpayment for such an extension of time to Deposit Account No. 03-1240, Order No. 17200-079US1.

In the event that a telephone conference would facilitate examination of the application in any way, Applicant invites the Examiner to contact the undersigned at the number provided.

Respectfully submitted,
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